



VARIANCES AND SPECIAL USE PERMITS

City Code 38-10(e)-(f)

The Code of the City of Falls Church empowers the Board of Zoning Appeals (BZA) to grant Variances and Special Use Permits (see: 38-10 (e)-(f)) as exceptions to established zoning.

Procedure for requesting a Special Use Permit / Variance:

- A written application must be completed and submitted to the Zoning Administrator. The application must be completed in full and be accompanied by the following—
 - Application fee
 - Letter describing the hardship or exceptional circumstance involved in the request
 - Photographs of the property as well as a plat and / or site plan depicting alterations.
 - Elevation drawings of existing structures and proposed changes, if any
 - Floor plans of structures showing before and after plan, if applicable
 - Samples of materials to be used, if applicable
 - Variance applications must cite which section of code the application seeks to vary
 - 10 complete sets of submitted materials are required 2 weeks prior to the hearing date.
 - Non-residential applicants must submit all materials in electronic form (eg. pdf or jpg format) as well as hard copy.

Meetings:

- Regular meetings of the BZA are scheduled as needed for 7:45 PM on the second Thursday after the first Monday of each month, in the Council Chambers at 300 Park Avenue.

Fees:

Variance—	\$ 200.00 + \$ 25.00 for each additional code section variance
Special Use Permit—	\$ 400.00 for non-residential
	\$ 300.00 for residential
	\$ 100.00 for home day-care and in-home education services
Appeals—	\$ 200.00 per code section

Variance and Special Use Process:

- The Zoning Administrator will forward the completed application to the BZA for placement on the BZA public hearing docket. A copy may also be sent to Boards and Commissions with authority to review and make comment to the BZA.
- Allow a minimum of 6 weeks for placement on the hearing docket to allow for public notice and preparation of staff review, comment and reference materials for the board members.
- In hearing a request for a Special Use Permit, the BZA will consider the impact on the peace, health, safety and the public welfare of the surrounding community, as well as adherence to the general purpose and objectives of the land use plan and official master plan.
- In hearing a request for a Variance, the BZA will consider whether a clearly demonstrable hardship approaching confiscation exists, as distinguished from a special privilege or convenience sought by the owner. Applicants should be prepared to define this hardship.
- For requested uses that are found to be detrimental to the public welfare, the BZA may deny the request or may authorize such use with stipulations that avoid any negative impacts. The BZA may require a written guarantee and bond that these stipulations will be complied with.
- Approved Special Use Permits / Variances must be implemented within 1 year of approval or they become void.
- Following the granting of a variance by the BZA, the building permit will be issued after review by the Engineering & Construction Division to evaluate the findings of the BZA.

Note: This is a summary of the Code. Please refer to 38-10 (e)-(f) for specifics and additional information. An online version of the Code is available at-- <http://www.fallschurchva.gov>

